

REMARKS / ARGUMENTS

Applicant elects Group I, claims 1-3, and withdraws claim 4 from further examination.

Claims 1 and 5-14 remain pending in the present application. Claim 1 is the only independent claim and includes limitations not disclosed in or made obvious in view of the qualifying prior art.

Master et al. (PG Pub # US 2002/0138716 A1) is not qualifying prior art since it was assigned to the same person (i.e., corporate entity), Quicksilver Technology, Inc., as the present application at the time the claimed invention was made. The MPEP discusses the application of 35 U.S.C. Section 103(c) (1) and provides that "subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person." Thus, Master et al. is not prior art against the present invention.

As stated in the Office Action, "Wolrich does not disclose expressly the IOC of claim 1, wherein the IOC operates within an adaptive computing engine." Office Action at part 6, lines 9-10.

Accordingly, the present claims are in condition for allowance and Applicant respectfully requests reconsideration and that a timely Notice of Allowance be issued in this case. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-279-5098.

Respectfully submitted,

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Date


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